



February 14, 2003

HOUSE BILL No. 1379

DIGEST OF HB 1379 (Updated February 11, 2003 12:28 PM - DI 69)

Citations Affected: IC 16-18; IC 16-41.

Synopsis: Smoking in prohibited areas. Prohibits smoking in certain motor vehicles used as public conveyances if individuals who are less than 18 years of age are present in the motor vehicles. Makes it a Class C infraction instead of a Class B infraction for a person to smoke in an area where smoking is prohibited. Makes the violation a Class B infraction instead of a Class A infraction if the person has at least three previous unrelated judgments within 12 months immediately proceeding a fourth violation.

Effective: July 1, 2003.

Bischoff, Neese, Day

January 14, 2003, read first time and referred to Committee on Environmental Affairs.
February 13, 2003, amended, reported — Do Pass.

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HB 1379—LS 7314/DI 77+



February 14, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1379

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-298.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2003]: **Sec. 298.5. "Public conveyance", for**
4 **purposes of IC 16-41-37, has the meaning set forth in**
5 **IC 16-41-37-2.5.**

6 SECTION 2. IC 16-41-37-2.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. As used in this chapter,**
9 **"public conveyance" means a motor vehicle that is designed and**
10 **constructed to transport at least eight (8) passengers and owned or**
11 **operated by:**

12 (1) a public or governmental agency; or
13 (2) a private person who is compensated to transport
14 passengers by a public or governmental agency.

15 SECTION 3. IC 16-41-37-4 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. A person who
17 smokes:

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1 (1) in a public building, except in an area designated as a smoking
2 area under section 5 of this chapter;

3 (2) in the retail area of a grocery store or drug store that is
4 designated as a nonsmoking area by the store's proprietor; ~~or~~

5 (3) in the dining area of a restaurant that is designated and posted
6 as the restaurant's nonsmoking area by the restaurant's proprietor;

7 **or**

8 **(4) in a public conveyance while an individual less than**
9 **eighteen (18) years of age is present in the public conveyance;**

10 commits a ~~Class B~~ **Class C** infraction. However, the violation is a
11 ~~Class A~~ **Class B** infraction if the person has at least three (3) previous
12 unrelated judgments for violating this section that are accrued within
13 the twelve (12) months immediately preceding the violation.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1379, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-298.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 298.5. "Public conveyance", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-2.5.**

SECTION 2. IC 16-41-37-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. As used in this chapter, "public conveyance" means a motor vehicle that is designed and constructed to transport at least eight (8) passengers and owned or operated by:**

- (1) a public or governmental agency; or**
- (2) a private person who is compensated to transport passengers by a public or governmental agency."**

Page 2, line 11, delete "school bus;" and insert "**public conveyance while an individual less than eighteen (18) years of age is present in the public conveyance;**".

Page 2, line 12, strike "Class B" and insert "**Class C**".

Page 2, line 12, strike "Class A" and insert "**Class B**".

and when so amended that said bill do pass.

(Reference is to HB 1379 as introduced.)

BOTTORFF, Chair

Committee Vote: yeas 7, nays 3.

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